

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 236-6220

DATE: June 8, 2007

TO: Gregg Robinson, Vice Chair, Peninsula Community Planning Board (PCPB)
Mary Wright, Program Manager, City Planning and Community Investments

FROM: City Attorney

SUBJECT: Qualifications for Real Estate Professionals Voting in PCPB Run-Off Election

The question has arisen as to whether certain real estate professionals are qualified to vote in the upcoming Peninsula Community Planning Board (PCPB) election. This issue had initially arisen at the PCPB's March election and the City Attorney provided guidance indicating that, under Council Policy 600-24, the owner of a local business, or the operator or designee of the local business, may properly be considered eligible to vote in a planning board election, even if the individual did not reside in the community.

In our e-mail to the Elections Committee Chair, we wrote, "An employee of a business, an agent of a business or an independent contractor of a business would not fit the eligible voting category, unless they were truly a "designee" of the business, with "designee" defined in the singular..."¹

Council Policy 600-24 defines eligible members of the community for purposes of voting and election to include those, 18 years of age or older, affiliated with the community as a: property owner, resident (whose primary address is an address in the community planning area), or "a local business person, who is a local business owner, operator, or designee..."² The PCPB

¹ E-Mail to Gregg Robinson, Elections Committee Chair, and Cynthia Conger, Chair, Peninsula Community Planning Board, March 15, 2007

² CP 600-24, Article III, Section 3

Gregg Robinson, Vice Chair, Peninsula Community Planning Board
Mary Wright, Program Manager, City Planning and Community Investments
June 8, 2007
Page 2

bylaws define business person even further, as: "A local business person with a business address in the Peninsula Community, at which, employees or operators of the business are located."³

As relates to the real estate industry, there are distinctions between those real estate professionals who qualify to vote in the PCPB elections by virtue of their residency or property ownership in Point Loma, or their ownership of a business in Point Loma, and others who merely work in the community.

Someone who owns a real estate business in the Peninsula area may vote. The employees and/or independent contractors working for the business owner may not vote, absent their qualifying in some other manner.

Just as residents and property owners are asked by members of the Election Committee to prove residence (through driver's license, utility bill or property tax statement, for example), so too should business persons be prepared to show valid identification verifying their qualifications under the business person voting category.

If you have any questions, please do not hesitate to contact me at 619/533-5875.

MICHAEL J. AGUIRRE, City Attorney

By



Alex W. Sachs
Deputy City Attorney

AWS:aws

cc: Matt Awbrey, Councilmember Kevin Faulconer's Office
Members, Peninsula Community Planning Board

³ PCPB Bylaws, Article III, Section 2 (4)